

Department of Health  
Notice of Rulemaking Hearing  
Tennessee Massage Licensure Board  
Division of Health Related Boards

There will be a hearing before the Tennessee Massage Licensure Board to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-18-104, 63-18-105, 63-18-108, 63-18-111, and 63-18-115. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 3:30 p.m. (CST) on the 3rd day of March, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 0870-1-.05 Establishment Licensure Process, is amended by adding the following language as new paragraph (15) and renumbering the present paragraph (15) as paragraph (16):

- (15) An establishment license may be denied, conditioned, restricted and/or disciplined for the same causes and pursuant to the same procedures as a massage therapist's license.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-104, 63-18-105, 63-18-111 and 63-18-115.

Rule 0870-1-.12 Continuing Education, is amended by deleting subparagraphs (2) (a), (2) (b) and (2) (c) in their entirety and substituting instead the following language, so that as

amended, the new subparagraphs (2) (a), (2) (b) and (2) (c) shall read:

- (2) (a) Beginning on January 1, 2003, each licensed massage therapist must attend and complete twenty-five (25) hours of massage therapy related continuing education in courses approved by the Board on or before December 31<sup>st</sup> of 2004 and again every two (2) calendar years thereafter (for example January 1, 2005 through December 31, 2006 and then again from January 1, 2007 through December 31, 2008, and so on) for as long as the therapist's license remains active. The due date for completion of the continuing education hours is the same for every licensed massage therapists in this state.
- (2) (b) Every person who receives a license as a massage therapist after January 1, 2003 will have his or her required continuing education hours pro-rated over the remaining months of the continuing education cycle in which the person became licensed. Every fraction of an hour resulting from any such pro-rating shall be rounded up to the next whole hour. Any such person shall have to obtain one (1) and one/twenty fourth (1/24) hours for every month remaining in the continuing education cycle in which he or she became licensed but those hours won't be due until the final December 31<sup>st</sup> of the cycle. [For example a person who becomes licensed in June of the first year of a continuing education cycle (January 1<sup>st</sup> of one year through December 31<sup>st</sup> of the following year) will be prorated over the 18 months left on the continuing education cycle from July through December of the following year requiring the person to obtain 18 and  $\frac{3}{4}$  hours of continuing education (rounded up to 19 hours) which are due on December 31<sup>st</sup> of the following year.]
- (2) (c) The Board approves courses for only the number of hours contained in the course. The approved hours of any individual course will not be counted more than once annually toward the required hourly total regardless of the number of times the course is attended or completed by any individual licensee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, and 63-18-111.

Rule 0870-1-.19 Professional Ethical Standards, is amended by deleting subparagraph (1) (d) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (d) shall read:

- (1) (d) Comply with all applicable Tennessee statutes and regulations as well as Orders issued by the Board pursuant to its disciplinary and/or declaratory order authority; and

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-108, and 63-18-111.

Contact who can answer questions concerning this notice of rulemaking hearing,

technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Massage Licensure Board.

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Robbie H. Bell, Director  
Health Related Boards

Subscribed and sworn to before me this the 5th day of December, 2005.

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Notary Public

My commission expires on the 25<sup>th</sup> day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 2005.

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Riley C. Darnell  
Secretary of State

By: \_\_\_\_\_